

REMARKS

The present application includes pending claims 1-17, all of which have been rejected. By this Amendment, claims 1 and 11 have been amended as set forth above. New claims 18-20 have been added. No fee is believed due with respect to the new claims, because the total number of claims does not exceed 20, and the total number of independent claims does not exceed 3. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-3, 5-8, 10, 11, 13, 14, 16, and 17 were rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,755,744 (“Nathan”). Claims 4, 9, 12, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nathan. The Applicant respectfully traverses these rejections at least for the reasons set forth below.

The Applicant first turns to the rejection of claims 1-3, 5-8, 10, 11, 13, 14, 16, and 17 as being anticipated by Nathan. “A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”” *See Manual of Patent Examining Procedure (MPEP)* at 2131 (internal citation omitted). Further, “[t]he identical invention must be shown in as complete detail as it is contained... in the claim.”” *See id.* (internal citation omitted). As discussed below, Nathan does not expressly or inherently describe “every element as set forth” in the claims of the present application.

Nathan discloses a “communication device between an audiovisual information playback system and at least one electronic game machine, each game machine including a viewing means for interacting with the user and a means of payment.” Nathan at Abstract. Nathan discloses a system in which separate electronic game machines may be used for jukebox selection and payment.

The principle of the invention is that these electronic game machines 2 can be used as add-on selection means and means of payment for a jukebox, located nearby, in the same bar as the electronic game machines 2.

Id. at column 2, lines 45-48.

The electronic game machines may be used to select between operating modes of the game machine. *See id.* at column 2, lines 48-50 (“Thus, each electronic game machine comprises a means for selecting between two operating modes.”). One of the modes relates to operation of the electronic game machine, and the other mode relates to selection and payment regarding the jukebox.

The first operating mode corresponds to the original operating mode of the electronic game machine, i.e., the machine is operating as an electronic game or an internet access station. In this mode and according to a first alternative embodiment, no communication is taking place between the jukebox 1 and the electronic game machine 2. In the second operating mode, the electronic game machine 2 is converted into an add-on selection means and a means of payment for the jukebox. **In this mode, all the original functionalities are unused to allow for the selection and payment functions of the jukebox 2.**

Id. at column 2, lines 50-60 (emphasis added). As shown above, Nathan discloses a system in which a separate and distinct game machine may be used to allow for “selection and payment functions” of a jukebox. However, Nathan does not explicitly describe, or inherently disclose, that the game machine provides additional jukebox

functionality. Nor does Nathan explicitly describe, or inherently disclose, that the game machine exercises control over operation of the jukebox.

Nathan does not explicitly describe, or inherently disclose, “a control subsystem coupled to a game subsystem and a jukebox subsystem” that provides both game and jukebox functionality, and which exercises “control over the game subsystem and the jukebox subsystem,” as recited in claim 1. Additionally, Nathan does not explicitly describe, or inherently disclose, “exercising control over both the jukebox and game functionality,” as recited in claim 11. Thus, at least for these reasons, the Applicant respectfully submits that Nathan does not anticipate claims 1-17.

The Applicant next turns to the rejection of claims 4, 9, 12, and 15 as being unpatentable over Nathan. The Office Action concedes that “Nathan does not explicitly disclose a dart game.” *See* Office Action at page 5. There is absolutely no discussion of a dart game in Nathan. In fact, Nathan does not teach, nor suggest, a dart game machine, and even teaches away from certain types of dart game machines.

The electronic game machines disclosed in Nathan **must** include a video monitor. For example, Nathan discloses the following:

As a minimum, each electronic game machine 2 **must** originally comprise a **viewing means** 210, such as a **video monitor**, a means for interacting with a user 211, and its own means of payment 220.

Nathan at column 2, lines 38-42 (emphasis added).

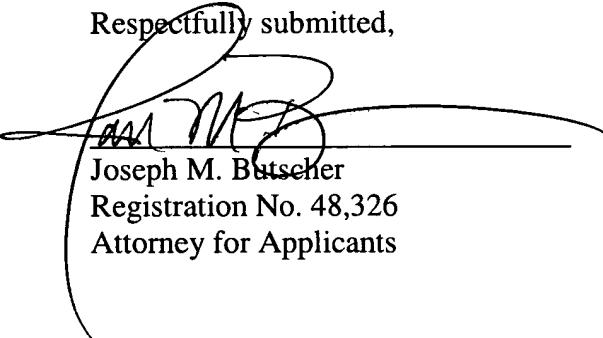
Indeed, the second operating mode **requires** the viewing of specific selection screens as well as different management of the means of payment in comparison with the first operating mode of the electronic game machine 2.

Id. at column 3, lines 37-40 (emphasis added). Electronic dart game machines, however, may or may not include a separate viewing means, such as a video monitor. In fact, various electronic dart game machines exist that do not include a video monitor. Clearly, if Nathan would have considered dart game machines, it certainly would have left open the possibility for those dart game machines that do not include a video monitor. Nathan, however, does not mention dart game machines at all, and **requires** that its game machines include a video monitor. Thus, at least for this reason, Nathan does not render claims 4, 9, 12, and 15 unpatentable at least for this reason.

The Applicant now turns to new claims 18-20. Claim 20 recites a “single unit” that houses the game subsystem, the jukebox subsystem, and the control subsystem. Nathan, however, discloses a system that includes separate and distinct game machines and jukeboxes. Nathan does not teach, nor suggest, a single unit that houses the game and jukebox systems. *See, e.g.*, Nathan at column 2, lines 18-21 (“As explained above, the invention relates to a communication device between an audiovisual information playback system, hereafter called a jukebox, with the aim of simplification, **and** at least one electronic game machine.”); *and* column 2, lines 45-48 (“The principle of the invention is that these electronic game machines 2 can be used **as add-on** selection means and means and means of payment **for a jukebox 1, located nearby**, in the same bar as the electronic game machines 2.). As such, the system disclosed in Nathan does not “minimize space,” as suggested in the Office Action, because it still includes separate and distinct jukeboxes and games machines. Thus, at least for this reason, the Applicant respectfully submits that claims 18-20 should be in condition for allowance.

The Applicants respectfully submit that claims 1-20 of the present application should be in condition for allowance at least for the reasons discussed above and request reconsideration of the claim rejections. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the Applicants. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,



Joseph M. Butselier
Registration No. 48,326
Attorney for Applicants

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MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312)775-8100